

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Dale Phillips,

Petitioner,

v.

Case No. 1:12cv302

Warden, Lebanon Correctional,
Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on November 4, 2013 (Doc. 11).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 11) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 11) of the Magistrate Judge is hereby **ADOPTED**. The Petitioner's writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 3) is **DENIED** with prejudice.

Any request for certificate of appealability consistent with the Report and Recommendation (Doc. 11) by the Magistrate Judge or request to appeal *in forma pauperis* would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge